

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

FIBER SYSTEMS INTERNATIONAL, INC.	§	
	§	
Plaintiff	§	
	§	CAUSE NO. 2:06-cv-473
v.	§	
	§	
APPLIED OPTICAL SYSTEMS, INC.	§	
	§	
Defendant.	§	

**PLAINTIFF FIBER SYSTEMS INTERNATIONAL INC.'S ORIGINAL
COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Fiber Systems International, Inc. ("FSI") hereby sues Defendant Applied Optical Systems, Inc. ("AOS") for patent infringement and requests that the Court enter preliminary and permanent injunctions prohibiting AOS' unlawful and infringing sales of products using the technology covered by the patents owned by FSI and award to FSI monetary damages, prejudgment interest, attorneys' fees and costs.

PARTIES

1. Plaintiff FSI is a Texas corporation with its headquarters and principal place of business at 1300 North Central Expressway, Suite 100, Allen, Texas 75013.
2. On information and belief, Defendant AOS is a Delaware corporation with its corporate headquarters and principal place of business at 1700 Capital Avenue, Suite 50, Plano, Texas 75074. AOS may be served with process through its registered agent G. Thomas Hazelton, Jr. at 2133 Lattice Court, Plano, Texas 75075.

JURISDICTION AND VENUE

3. This action arises under the Patent Act of 1952, 35 U.S.C. § 101 *et seq.* This Court has original and exclusive jurisdiction over the subject matter of the Complaint under 28 U.S.C. §§ 1331 and 1338(a).

4. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b), because Defendant has a regular and established place of business in this district, has transacted business in this district and, on information and belief has committed acts of patent infringement in this district.

INFRINGEMENT OF U.S. PATENT NO. 6,305,849

5. FSI is the owner by assignment of United States Patent No. 6,305,849 (“the ‘849 Patent”), entitled “Multi-Channel Fiber Optic Connector.” A true and correct copy of the ‘849 Patent is attached as Exhibit A. The ‘849 Patent was duly issued on October 23, 2001.

6. Defendant AOS was created and formed by former employees and officers of FSI who were involved in the development, marketing and sale of FSI’s TFOCA-II ® multi-channel fiber optic connector which is covered by one or more claims of the ‘849 Patent. After the formation of AOS, those former employees and officers of FSI undertook the manufacture, offers for sale, and sales of a competing multi-channel fiber optic connector which is a copy of FSI’s TFOCA-II ® connector.

7. Defendant AOS has been and now is directly and indirectly infringing the ‘849 Patent in the State of Texas, in this judicial district, and elsewhere in the United States by, among other things, manufacturing, selling, and offering to sell fiber optic connectors covered by one or more claims of the ‘849 Patent to the injury of FSI.

8. Defendant AOS has actively induced and is actively inducing infringement of the '849 Patent.

9. Defendant AOS has willfully infringed the '849 Patent and continues to willfully infringe the '849 Patent.

10. As a result of Defendants AOS' infringement of the '849 Patent, FSI has suffered monetary damages in an amount not yet determined and will continue to suffer damages in the future unless Defendant AOS's infringing activities are enjoined by this Court.

11. Defendant AOS' infringement of the '849 Patent is causing FSI irreparable harm that cannot be adequately compensated by a damage award. Unless preliminary and permanent injunctions are issued enjoining Defendant AOS and its agents, servants, employees, investors, attorneys, representatives, affiliates and all others acting on their behalf from infringing the '849 Patent, FSI will be greatly and irreparably harmed.

JURY DEMAND

12. FSI demands a trial by jury on all issues so triable.

PRAYER FOR RELIEF

FSI requests that the Court enter:

A. A preliminary injunction, and ultimately a permanent injunction, against Defendant AOS enjoining them, their officers, directors, agents, servants, employees, investors, affiliates, divisions, branches, subsidiaries, parents and all others acting in active concert or in participation with them from infringement, inducement to infringe, or contributory infringement of the '849 Patent, including the manufacture, sale, offer for sale, distribution, or promotion of products falling within the scope of the '849 Patent;

B. A judgment in favor of FSI that Defendant AOS has infringed, directly or indirectly, the '849 Patent;

C. A judgment ordering Defendant AOS to pay FSI damages adequate to fully compensate FSI for its infringement of the '849 Patent, together with pre- and post-judgment interest and costs as fixed by the Court under 35 U.S.C. § 284;

D. A judgment in favor of FSI that Defendant AOS has willfully infringed the '849 Patent;

E. A judgment ordering Defendant AOS to pay FSI enhanced damages up to three times the amount of actual damages found or assessed as appropriate under 35 U.S.C. § 284;

F. A judgment and order that this is an "exceptional" case under 35 U.S.C. § 285 and awarding FSI its reasonable attorneys' fees;

G. A judgment ordering Defendant AOS to pay FSI's costs; and

H. Any and all other and further relief as this Court deems just and proper.

Dated: November 14, 2006.

Respectfully submitted,

GREENBERG TRAURIG, LLP

/s/ Christopher M. Joe

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